

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
RONALD A. ROGANTI,

Plaintiff,

– against –

METROPOLITAN LIFE INSURANCE
COMPANY, METROPOLITAN LIFE
RETIREMENT PLAN FOR UNITED STATES
EMPLOYEES, SAVINGS AND
INVESTMENT PLAN FOR EMPLOYEES
OF METROPOLITAN LIFE AND
PARTICIPATING AFFILIATES, THE
METLIFE AUXILIARY PENSION PLAN,
AND THE METROPOLITAN LIFE
SUPPLEMENTAL AUXILIARY SAVINGS
AND INVESTMENT PLAN,

Defendants.
-----X

Civil Action No.: 12-cv-0161(PAE)

NOTICE OF MOTION

DOCUMENT
ELECTRONICALLY FILED

PLEASE TAKE NOTICE that, upon the Declaration of Michael H. Bernstein, Esq. dated March 19, 2012, the exhibits annexed thereto, and the accompanying Memorandum of Law in support, all simultaneously submitted herewith, Defendants, Metropolitan Life Insurance Company (“MetLife”), Metropolitan Life Retirement Plan for United States Employees, Savings and Investment Plan for Employees of Metropolitan Life and Participating Affiliates, the MetLife Auxiliary Pension Plan, and the Metropolitan Life Supplemental Auxiliary Savings and Investment Plan (collectively referred to as “Defendants”), by their attorneys, Sedgwick LLP, will move this Court, at a date and time to be scheduled by the Court or as soon thereafter as counsel can be heard, before the Hon. Paul A. Engelmayer, U.S.D.J. at the United States Courthouse, 500 Pearl Street, New York, New York 10007 for an Order pursuant to Rule 12(b)(6), FED. R. CIV. P., dismissing Plaintiff Ronald A. Roganti’s (“Roganti”) Complaint as barred by the doctrines of *res judicata* and collateral estoppel and for failing to state a cause of action under the Sarbanes-Oxley Act of 2002, as amended, 18

U.S.C. §1514A (“SOX”), under the Dodd-Frank Act of 2010, 15 U.S.C. §78u-6 (“Dodd-Frank”) and under the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. §1001, et seq. (“ERISA”).

Dated: New York, New York
March 19, 2012

Respectfully Submitted,

s/

MICHAEL H. BERNSTEIN (MB 0579)

CHARLES H. KAPLAN (CK 5801)

JOHN T. SEYBERT (JS 5014)

DANIEL M. MEIER (DM 2833)

SEDGWICK LLP

Attorneys for Defendants

125 Broad Street, 39th Floor

New York, New York 10004

Tel: (212) 422-0202

Fax: (212) 422-0925

TO: David G. Gabor, Esq.
The Wagner Law Group
99 Summer Street, 13th Floor
Boston MA 02110
Business Phone: (617) 357-5200
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I, DANIEL M. MEIER, hereby certify and affirm that a true and correct copy of the attached **NOTICE OF MOTION TO DISMISS** was served via ECF and regular mail on this 19th day of March, 2012, upon the following:

David G. Gabor, Esq.
The Wagner Law Group
99 Summer Street, 13th Floor
Boston MA 02110
Business Phone: (617) 357-5200

s/_____
DANIEL M. MEIER

Dated: New York, New York
March 19, 2012